

REMARKS

Applicant respectfully requests reconsideration of the instant application in view of the amendments, herein, and the following remarks:

The following claims are *pending*: 1-4 and 64-78.

The following claims are *independent*: 64, 72, 77 and 78.

The following claims have previously been *cancelled* without prejudice or disclaimer: 5-62.

Please cancel the following claim without prejudice or disclaimer: 63.

Please *amend* claims 1-4, 64, 65, 66, 67, 72, 77 and 78; although these claims have been amended herein to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices (hereinafter “amendment,” “amendments,” and/or “amended”), Applicant submits that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation/divisional application(s). Applicant submits that these claim amendments are supported throughout the originally filed specification and that no new matter has been added by way of these amendments.

Examiner Interview

Applicant thanks the Examiner for taking the time to discuss the pending claims in the Examiner Interview dated May 11, 2010.

Claim Objections

The Office has objected to claims 73-76 for informalities relating to recitation of “medium” in independent claim 72 but “media” in dependent claims 73-76. Applicant has amended claim 72 to correct the informalities and as such, submits that the claim objections have been overcome and/or have been rendered moot.

Claim Rejections - 35 U.S.C. § 112

The Office Action has rejected claims 1-4 and 63-78 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicant respectfully traverses the rejections, and submits that the noted claims all satisfy the requirements of 35 U.S.C. § 112, first paragraph.

Applicant herein cancels claim 63 rendering the rejection as to the claim moot.

With regard to the claims 64, 72, 77 and 78, specifically the elements “linking via computer ... wherein calculating via the computer each parameter ... calculating via the computer the multiple interrelated parameters ...,” the Examiner alleges that “there is no support for these limitations in the originally filed disclosure.” (Office Action, pg. 3).

Applicant respectfully disagrees with the Examiner’s assertions and submits that the previously pending claim elements are supported throughout the originally filed specification, drawings and claims. Although, Applicant believes there is sufficient support for the previously pending claim elements, Applicant has amended claims 64, 72, 77 and 78 to further clarify claim elements. Applicant submits that the pending claims 1-4, 64-78 are supported throughout the originally filed specification, drawings and claims. By way of non-

limiting example, Applicant directs the Examiner to application pages 14-15. Applicant submits such description is sufficient support and basis for the noted claims. Applicant submits additional description and support may be found elsewhere and throughout the specification, drawings and claims.

Furthermore, Applicant notes that the Office Action has not put forth any discussion, explicit withdrawal of previous 35 USC § 103(a) rejections under Pool et al. (US Patent No. 6,460,020) and Szoc et al. (US Patent Publication No. 2002/0023053), or indicated allowability of the pending claims. Applicant submits that MPEP § 2163.06 (I) prescribes:

If new matter is added to the claims, the examiner should reject the claims under 35 U.S.C. 112, first paragraph - written description requirement. *In re Rasmussen*, 650 F.2d 1212, 211 USPQ 323 (CCPA 1981). **The examiner should still consider the subject matter added to the claim in making rejections based on prior art since the new matter rejection may be overcome by applicant.** (See MPEP 2163.06(I)) (Emphasis added).

As such, all rejections having been overcome, withdrawn or otherwise rendered moot, Applicant submits that the pending claims 1-4 and 64-78 are in condition for allowance and patentably distinct from references of record, taken individually or in combination, and respectfully requests that the Examiner explicitly identify them as allowable in the next Office Action.

In view of the foregoing discussion, Applicant respectfully requests reconsideration and withdrawal of these rejections and allowance of the claims.

CONCLUSION

Applicant asserts that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art to this Office Action (and/or any previous office action(s)) (hereinafter "Office Action(s)"). While many other claim elements and/or bases for rejection were not discussed, as they have been rendered moot based on the above amendments and/or remarks, Applicant asserts that all such remaining and not discussed claim elements and/or bases for rejection, all, also are distinguished over the prior art, and Applicant reserves the opportunity to more particularly traverse, remark and/or distinguish over any such remaining claim elements and/or bases for rejection at a later time, should it become necessary. Further, any remarks that were made in response to the Office Action(s)' objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to other Office Action(s) objection(s) and/or rejection(s) as to any other claim element(s), any such re-assertion(s) of remarks are not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim element(s), and no such commonality is admitted as a consequence of any such re-assertion(s) of remarks. Consequently, the reference(s) cited the Office Action(s) do not result in the claimed invention(s), there was/is no motivation, basis and/or rationale for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed invention(s) are not admitted to be prior art. Also, Applicant does not accept, admit, and/or concede to any assertions, (mis)characterizations (e.g., of claims, references, and/or otherwise), and/or Official Notice(s) in the Office

Action(s). As such, Applicant does not concede that any claim element(s) have been anticipated and/or rendered obvious by any of the cited reference(s) and/or any Official Notice in the Office Action(s). Thus, the Applicant respectfully submits that the supporting remarks and claimed inventions, claims 1-4 and 64-78, all: overcome all rejections and/or objections as noted in the Office Action(s), are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all claims.

Authorization

Applicant hereby authorizes and requests that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 17209-613CP1. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicant requests that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicant hereby authorizes and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 17209-613CP1.

In the event that a telephone conference would facilitate examination of the application in any way, Applicant invites the Examiner to contact the undersigned at the number provided.

Respectfully submitted,
Attorney(s) for Applicant,
CHADBOURNE & PARKE LLP

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By: /Walter G. Hanchuk/
Walter G. Hanchuk
Registration No.: 35,179

Correspondence Address:

CHADBOURNE & PARKE LLP
30 Rockefeller Plaza
New York, NY 10112

212-408-5100 (Telephone)
212-541-5369 (Facsimile)
patents@chadbourne.com (E-mail)